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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CALPHALON CORPORATION,

Plaintiff,

v.

MEYER CORPORATION, U.S.,

Defendant.

Case No.: 1:05 CV-00406 REC SMS

**STIPULATED AGREEMENT TO
TRANSFER INTRA-DISTRICT
AND PROPOSED ORDER**

Defendant, Meyer Corporation, U.S., (“Meyer”), by its attorneys, Craig N. Hentschel, K. Lynn Finateri, Dean A. Dickie, and Kristen E. Hudson of Dykema Gossett LLP, and plaintiff Calphalon Corporation (“Calphalon”), by its attorneys Gregory A. Long and Janene P. Bassett of Sheppard, Mullin, Richter & Hampton LLP, hereby stipulate and agree to transfer venue in this case to the Sacramento Division of the Eastern District of California. In support therefore, the parties stipulate and agree as follows:

1 1. This case involves allegations of patent infringement and related claims by
2 plaintiff Calphalon against defendant Meyer.

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4 2. Meyer's headquarters and principal place of business is located in Vallejo,
5 California, which is located in the Eastern District of California, Sacramento Division.

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7 3. On March 10, 2005, the Honorable Judge David H. Coar transferred this matter
8 from the United States District Court for the Northern District of Illinois, Eastern Division, to the
9 Eastern District of California. A copy of Judge Coar's order is attached hereto as Exhibit A.

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11 4. The basis for Judge Coar's decision was that the Eastern District of California,
12 Sacramento Division would be more convenient for the parties and non-party witnesses.

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14 5. This matter was mistakenly transferred to the Fresno Division of the Eastern
15 District of California, instead of the Sacramento Division.

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17 6. Fresno is approximately four hours away from Meyer's headquarters in Vallejo,
18 California, where the majority of the witnesses in the patent litigation are located. On the other
19 hand, Sacramento is under an hour from Vallejo, California.

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21 7. In order to honor Judge Coar's ruling and in the interest of convenience for the
22 parties and non-party witnesses, as well as ease of access to sources of proof, the parties agree
23 that this matter should be transferred to the Sacramento Division of the Eastern District of
24 California.

25
26 8. No party will be prejudiced by this transfer.

1 WHEREFORE, Meyer and Calphalon stipulate and agree and on that basis respectfully
2 request that this Court transfer this matter pursuant to 28 U.S.C. § 1404(a) and Local Rule 3-
3 120(f) to the Eastern District of California, Sacramento Division, and for such further and other
4 relief that this Court deems just.

5
6 DATED: May 12, 2005

DYKEMA GOSSETT LLP

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8 By: /s/ - K. Lynn Finateri
K. Lynn Finateri

9 Attorney for Defendant Meyer Corporation, U.S.

10 DATED: May 12, 2005

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

11
12 By: /s/ - Janene P. Bassett
Gregory A. Long
Janene P. Bassett

13
14 Attorneys for Plaintiff, Calphalon Corporation

ORDER

Pursuant to the foregoing stipulation between the parties, it is hereby ordered as follows:

In the interest of convenience to the parties and non-party witnesses, as well as ease of access to sources of proof, the matter of Calphalon Corporation v. Meyer Corporation, U.S., Case No. 1:05-cv-00406 is hereby transferred to the Sacramento Division of the Eastern District of California.

IT IS SO ORDERED.

DATED: 5/13/05

/s/ ROBERT E. COYLE

JUDGE OF THE U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA,
FRESNO DIVISION

PROOF OF SERVICE

I am a citizen of the United States of America and am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 150 South Los Robles Avenue, Suite 400, Pasadena, California 91101

On May 12, 2005, I served the foregoing document described as **STIPULATED AGREEMENT TO TRANSFER INTRA-DISTRICT AND PROPOSED ORDER** on all interested parties in this action as follows:

See Attached List.

- ☒ **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on the same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing on affidavit.
- ☐ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.
- ☐ **(BY OVERNIGHT)** Via Federal Express.
- ☐ **(BY FACSIMILE)** By transmitting in true copy thereof by facsimile from facsimile number (626) 449-5705 to the facsimile number(s) shown above.
- ☐ (State) I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.
- ☒ (Federal) I declare that I employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 12, 2005, at Pasadena, California

/s/ - K. Lynn Finateri
K. Lynn Finateri, Esq.

CALPHALON CORPORATION v. MEYER CORPORATION, U.S.
USDC Case No. 1:05-CV-00406 REC SMS

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